

**LOCAL PLANNING AGENCY**  
**SEPTEMBER 12, 2001**

**1. ROLL CALL**

The meeting was called to order at 7:45 p.m. Agency members present were Chair Jay Stahl, Vice-Chair Mike Bender, Edna Moore, Mimi Turin and Bob Waitkus. Also present were Town Attorney Monroe Kiar, Development Services Director Mark Kutney, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting.

**2. PUBLIC HEARING**

Text Amendments

**2.1 ZB (TEXT) 6-1-01, Town of Davie (tabled from July 25, 2001)**

Request: To revise the list of permitted uses pertaining to the location of vehicle sales and leasing establishments, motorcycle dealerships, moving companies, and limousine /taxi services within the Town and providing supplemental regulations regarding said uses. **(staff requesting a motion to withdraw)**

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to withdraw. In a voice vote, all voted in favor. **(Motion carried 5-0)**

**2.2 ZB (TXT) 7-1-01, TOWN OF DAVIE (tabled from August 22, 2001)**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, DELETING SECTION 12-34(B), ENTITLED "AGRICULTURE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Kutney stated that Mr. Kiar's office had stopped its request for an opinion from the Attorney General on this issue. He asked the Agency to review the amendment in its entirety and provide a recommendation for the Town Council.

Ms. Moore inquired how this issue came about. Mr. Kutney indicated that the Davie Agricultural Advisory Board (Agricultural Board) had recommended to Council that Section 12-34(B) be deleted and then staff had been given the directive by Council to prepare the ordinance.

Ms. Turin asked what would be used as a criteria for definitions if 12-34(B) were deleted. Mr. Kutney responded that "there would be no zoning relative to this matter."

Mr. Waitkus indicated that he had a problem with the deletion of an entire Code section. He was leery about there being no rules to follow and noted that he was not well versed in all the issues that were addressed in this Section. Mr. Kutney assured him that staff would propose some amendments in those areas.

Chair Stahl asked if anyone wished to speak for or against this item.

Arthur Hurley, 4601 SW 128 Avenue, advised that staff was not forthcoming with all the information regarding this issue. He indicated that the purpose was to "cleanse" ordinances which were in violation of State law.

Julie Aitken, 3801 Flamingo Road, indicated that she was Chair of the Agricultural Board. She distributed a copy of a draft rewriting of Section 12-34(B) and told the Agency that the entire Section, in its present form, was illegal. Ms. Aitken explained that agriculture was exempt from land development regulations by State law and that Section 12-34(B) should have been repealed according to State Statute 163.3321, Section 5, which she read. She indicated that Broward County had removed agriculture from all its land development regulations and suggested that

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the Agency delete Section 12.34(B) in its entirety and replace it with a finalized draft to be written by Mr. Kiar.

Jason Curtis, 3801 Flamingo Road, advised that he and Ms. Aitken were working with the County to help rewrite its ordinances and spoke in favor of the deletion of Section 12-34(B).

Mr. Kiar commented on the proposed draft and stated that he had looked it over, but had not researched it in any depth. He recommended that staff, Ms. Aitkin and he examine it in depth together. Ms. Aitken indicated that she was willing to work with Mr. Kiar to prepare a version of her draft of the rewrite.

Ms. Turin inquired if the Agricultural Board had recommended the deletion of Section 12-34(B). Ms. Aitken provided historical information and indicated that she had the support of the Agricultural Board to delete Section 12-34(B) and replace it with the draft she provided.

Mr. Kiar provided a short chronology of events which led to this issue coming before this Agency for a recommendation.

Mr. Hurley advised that the ordinance was in place to protect the Town's "police powers" which were in conflict with State laws.

As there were no other speakers, the public hearing was closed.

Mr. Kutney countered Mr. Hurley's earlier remarks regarding staff not providing information and he explained his standpoint which was that they disagreed that the Town had the right to zone. A lengthy discussion ensued in which Ms. Aitken and Mr. Kutney answered questions posed by the Agency for a better understanding of the intent of the ordinance. Vice-Chair Bender expressed his opinion that the County had zoned the agricultural community out of existence and that the Town should protect the agriculture that was left. He recommended that the Agency and Mr. Kiar find a way to support the agricultural community. Other Agency members expressed their concerns about not having a proposed ordinance to replace the current one before Section 12-34(B) was eliminated. Mr. Kiar reiterated that although Council had proposed that the ordinance be stricken, the Agricultural Board and Ms. Aitken had recommended that an alternate ordinance be drafted. There was a discussion about tabling the item in order to allow time for the Agricultural Board to meet with Mr. Kiar and to have time for staff's recommendations.

Ms. Moore made a motion, seconded by Mr. Waitkus, to table to October 10th with the recommendation that they come back with an ordinance for the Agency to look at as a substitute and to which all parties would submit recommendations. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 5-0)**

**3. OLD BUSINESS**

There was no old business discussed.

**4. NEW BUSINESS**

There was no new business discussed.

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**5. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

**6. ADJOURNMENT**

As there was no further business and no objections, the meeting was adjourned at 8:50 p.m.

Date Approved: \_\_\_\_\_

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Chair/Agency Member